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C O N F I D E N T I A L SECTION 01 OF 05 SANAA 002142

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E.O. 12958: DECL: 08/26/2013

TAGS: [TRGY](#) [TPHY](#) [PTER](#) [AORC](#) [YM](#) [IAEA COUNTER TERRORISM ENERGY](#)

SUBJECT: YEMEN: IAEA DRAFT RESOLUTION AND YEMEN-DEPT ENERGY
MOU

REF: A. CATO E-MAILS

[1](#)B. STATE 222302

[1](#)C. STATE 201986

[1](#)D. SANAA 1350

[1](#)E. SANAA 1453

Classified By: Charge Alan Misenheimer for reasons 1.5(b,d).

[1](#)1. (u) This is an action request -- see para 3.

[1](#)2. (c) Dr. Moustafa Bahran, Chairman of the Yemen National Atomic Energy Commission (NATEC), requests U.S. assistance in delivering Yemen's draft resolution for the September 2003 IAEA General Assembly to appropriate USG officials. Bahran specifically listed (text para 4) a number of officials he met during NATEC's July 2003 consultations in Washington (ref b).

[1](#)3. (c) Action requested: Post appreciates NP/MNA's assistance in coordinating and reporting on NATEC's recent visit to Washington, DC. As noted in reftel a, post appreciates MNA's assistance in forwarding both the IAEA draft resolution and the draft Yemen-Department of Energy Memorandum of Understanding to all interested parties, including those listed in Bahran's letter to Ambassador Hull (para 4). POC for this request is Willeah Cato -- class e-mail: catowe@state.sgov.gov, unclass e-mail: catowe@state.gov, phone (967) 1 303 - 155, or fax (967) 1 303 - 182. (Note: Please contact Pol/Econ Chief Mary Brett Rogers between September 3-24, 2003.)

[1](#)4. (c) Text of Dr. Bahran's request for USG assistance:

(Begin text)

Republic of Yemen
Presidency of the Republic
National Atomic Energy Commission (NATEC)
P.O. Box 4720, Sana'a, Telfax: = 967 1 259460

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Mr. Edmund Hull
His Excellency the Ambassador
Embassy of the United States of America
Sana'a

August 20, 2003
No. 1029/1516/2003

Dear Mr. Hull,

Please find enclosed a proposed resolution for the upcoming IAEA General Conference with a cover letter. Please forward immediately to the following persons:

1 - Mr. John Bolton - Under Secretary for Arms Control and Nuclear Nonproliferation - Department of State
2 - Mr. Andrew Semmel - Deputy Assistant Secretary for Nuclear Nonproliferation - Department of State
2 - Mr. Richard Straford - Director, Nuclear Energy Affairs - Department of State
4 - Mr. Ron Burrows - Office of Senior Coordinator for Nuclear Safety - Department of State
5 - Mr. Ambassador Linto Brooks - Administrator, National Nuclear Security Administration - Department of Energy
6 - Mr. David Huizenga - Assistant Deputy Administrator, National Nuclear Security Administration - Department of Energy
7 - Mr. Gary Tittlemore - Director, National Nuclear Security Administration - Department of Energy
8 - Mr. Martin Virgilio - Director, Office of Nuclear Material Safety and Safeguards - Nuclear Regulatory Commission

The National Atomic Energy Commission avails itself of this opportunity to renew to the Embassy of the United States of America in Sana'a the assurance of its highest consideration.
Thank you and please accept our best regards.

Yours sincerely,

Dr. Moustafa Bahran
Science and Technology Advisor to the President

Chairman - National Atomic Energy Commission

(End text)

15. (sbu) Text of NATEC's open letter and the Yemen draft resolution:

I. (Begin text: NATEC Open Letter)

Dear Colleagues,

Please find enclosed the first draft of our proposed resolution for the 47 general session of the General Conference of the IAEA under the agenda item 15: Nuclear Security/ Measures to Protect Against Nuclear Terrorism, for your consideration.

It has been structured in a way to reflect the agreement in principle that we have obtained in Paris, Washington and London which is basically to disentangle radioactive material from nuclear material (this draft is being sent only to the three countries at the time being). The resolution consists of:

A: Illicit Trafficking:

This is taken basically from GC(45)/Res/14/A with some modifications. It needs to be fine tuned once the Report of the IAEA DG called for by GC (45)/ Res/14, is published, which will be this week according to a phone conversation with the Agency relevant people. We are open to changes on this part of the proposed resolution.

B. Nuclear Security and CPPNM:

This is taken from GC(45)/Res/14/B and GC(46)/Res/13 with modifications. It needs to be fine tuned to reflect the current status regarding the negotiation on the CPPNM, which we are not fully aware off. Again, we are open to changes here.

C. Security and Safety of Radioactive Material:

This, we are very well aware off everything going on and we have put together what we believe is an excellent text that we would like to keep as is if possible.

We will be waiting for your thoughts. Please communicate with your representative in Vienna to work with us on this as we plan to be in Vienna the week before the General Conference. Thank you for your cooperation and look forward to hearing from you.

(End text: NATEC Open Letter)

II. (Begin text: Yemen IAEA Draft Resolution)

NATEC/GC(47)/Res-draft1

NUCLEAR SECURITY - PROGRESS ON MEASURES TO PROTECT AGAINST NUCLEAR TERRORISM

A. MEASURES AGAINST ILLICIT TRAFFICKING IN NUCLEAR AND RADIOACTIVE MATERIALS

The General Conference,

(a) Recalling its resolutions GC (XXXVIII)/RES/15, GC (39)/RES/18, GC (40)/RES/17, GC(41)/RES/17, GC(42)/RES/18, GC(43)/RES/18, GC (44)/RES/20 and GC (45)/RES/14 on measures against illicit trafficking in nuclear materials and other radioactive materials and GC (46)/RES/13 on measures to improve nuclear security and protection against nuclear terrorism,

(b) Noting the programme for preventing and combating illicit trafficking in nuclear materials agreed upon by the participants in the Moscow Nuclear Summit of April 1996 contained in document INFCIRC/509,

(c) Welcoming the confirmation of participants at the Denver Summit of June 1997 on their commitment to implement the "Programme for Prevention and Combating Illicit Trafficking in Nuclear Materials",

(d) Noting that revised Recommendations for the Physical Protection of Nuclear Materials and Nuclear Facilities (INFCIRC/225/Rev. 4 (Corrected)) were issued after intensive consultations by Member States' and Agency experts and that some Member States have started to implement them on a voluntary basis,

(e) Noting also the contribution of Agency safeguards agreements and additional protocols in preventing illicit trafficking, deterring and detecting diversion of nuclear materials,

(f) Noting with appreciation that the Agency, in co-operation with the World Customs Organization, the International Criminal Police Organization (Interpol) and Europol, organized the International Conference on Security of Materials - Measures to Prevent, Intercept and Respond to Illicit Uses of Nuclear Material and Radioactive Sources, in Stockholm, Sweden, in May 2001, the results of which provided important input to the further development of the Agency's

plan of activities in this field, and

(g) Noting further that the UN General Assembly (UNGA) is continuing its elaboration of an international convention on the suppression of acts of nuclear terrorism (UNGA resolution 51/210 of 17 December 1996),

11. Takes note of the progress report submitted by DG in document,...; (This has not appeared yet!)
12. Welcomes the ongoing activities in the fields of prevention, detection and response undertaken by the Secretariat in support of efforts against illicit trafficking;

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13. Also welcomes the activities undertaken to provide for an exchange of information with Member States, including continued maintenance of the illicit trafficking database programme, as well as to improve the exchange of information by making the best use of the modernized database;
14. Invites all States to participate in the illicit trafficking database programme,
15. Appeals to States that have not yet done so to accede to the Convention on the Physical Protection of Nuclear Material, and also appeals to States to apply relevant physical protection recommendations and introduce and enforce appropriate measures and legislation to combat illicit trafficking in nuclear materials and radioactive materials;
16. Invites Member States to consider installing boarder monitoring equipment to detect possible illicit trafficking activities;
17. Invites the Director General to continue to develop, in consultation and co-ordination with Member States and within available resources, the plan in document GC (45)/20 describing the future activities to be undertaken in these areas and the time schedule for their implementation and (Here, we are not aware of any further development by the Director General)
18. Requests the Director General to submit a report to the General Conference at its forty-ninth session on activities undertaken by the Agency in the intervening period.

1B. THE PHYSICAL PROTECTION AND SECURITY OF NUCLEAR MATERIALS AND NUCLEAR FACILITIES

The General Conference,

- (a) Noting the importance of physical protection in preventing the unauthorized removal of nuclear materials and the sabotage of nuclear facilities and nuclear materials by individuals or groups,
- (b) Reaffirming the importance of the convention on the Physical Protection of Nuclear Materials, as the only multilateral legal instrument dealing with the physical protection of nuclear materials,
- (c) Recognizing the importance of promoting an effective security culture in the field of physical protection of nuclear materials and nuclear facilities,
- (d) Considering the need to continue to devote attention to the potential implications of terrorist acts for the physical protection of nuclear materials and nuclear facilities,
- (e) Noting also that responsibility for the design, implementation and regulation of a system of physical protection within a State rests entirely with that State,
- (f) Welcoming the Agency's programmes of training, guidance and technical assistance, which assists States in establishing systems of physical protection appropriate to their circumstances,
- (g) Noting the revision of document INFCIRC/225 and of its associated guidance documents,
- (h) Taking note of the progress report submitted by the Secretariat in document GC (45)/20

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- (i) Recalling resolution GC(45)/RES/14 on the Physical Protection of Nuclear Materials and Nuclear Facilities,
- (j) Recalling the Director General's initial and refined proposals for new and enhanced activities to prevent nuclear terrorism, contained in document GOV/2001/50 and GOV/2002/10 respectively,
- (k) Emphasizing that any decision on the amendment to the Convention on the Physical Protection of Nuclear Materials should encourage Member States to become parties to the Convention, and
- (l) Recognizing the endorsement by the Board of Governors of the Physical Protection Objectives and Fundamental Principles referred to in document GC(45)INF/14,

11. Commends the Director General and the Secretariat for their prompt and construction response to resolutions relevant to the improvement of nuclear security and protection against nuclear terrorism;
12. Takes note of the progress report GC(46)/14 on nuclear security and measures to protect against nuclear terrorism;
13. Encourages States to apply the Fundamental Principles in designing, implementing and regulating their national systems for the physical protection of nuclear materials and nuclear facilities used for peaceful purposes;

14. Welcomes the activities in the physical protection of nuclear materials and facilities by the Agency to improve nuclear security and prevent nuclear terrorism;
15. Appeals to all States that have not yet done so to accede to the Convention on the Physical Protection of Nuclear Materials and encourages States to apply the physical protection objectives and fundamental principles endorsed by the Board of Governors and set out in document GOV/2001/41;
16. Continues to Notes with concern the lack of progress of the work of the Open-Ended group of legal and technical experts convened by the Director General in order to prepare a draft of a well-defined amendment aimed at strengthening the Convention on the Physical Protection of Nuclear Materials, and calls for the early finalization of the negotiations on such amendment;
17. Requests the Director General to review thoroughly the activities and programmes of the Agency with a view to strengthening the Agency work relevant to prevent acts of terrorism involving nuclear materials, and urges all Member States to co-operate fully with the Director General and to support the Agency's efforts in this regard; and
18. Requests the Director General to submit a report to the General Conference at its forty eighth session on activities regarding these issues undertaken by the Agency.

C. MEASURES TO STRENGTHEN THE SECURITY AND SAFETY OF RADIOACTIVE MATERIALS
The General Conference,

- (a) Recalling resolution GC (46) / RES/13 on measures to improve nuclear security and protection against nuclear terrorism,
- (b) Recalling resolution GC (45) / RES/14 on measures to improve the security of nuclear materials and other radioactive materials,
- (c) Emphasizing the importance of security of radioactive materials and national control systems for ensuring protection against the use of radioactive sources as elements of terror,
- (d) Recognizing the importance of promoting an effective security culture in the Radiation Protection Programs in Member States through the integration of security and safety within the International Framework of Radiation Protection Infrastructure,
- (e) Recognizing that strengthening security of radiation sources helps the cause of radiation safety, and recognizing further that safety and security go hand in hand,
- (f) Concerned by risks to human lives and the environment resulting from orphan sources and the increase of incidents and accidents involving such sources,
- (g) Mindful, that responsibility for the radioactive sources security and safety within a State rests entirely with that State, and noting the important contribution of international co-operation in supporting the efforts of States to fulfill their responsibilities,
- (h) Mindful that every Member State might face the threat of radiological terrorism and would bear serious consequences if any were attacked,
- (i) Noting United Nations Security Council resolution 1373's call for all States to work, particularly through bilateral and multilateral arrangements, to prevent acts of terrorism,
- (j) Recognizing the threat - based risk assessment methodology for radioactive sources, to assist States wishing to implement the guidance given in document "Security of Radioactive Sources" (TECDUC-1355),
- (k) Recognizing the initiation by the secretariat, the project to develop a universal system of labeling for high activity sources including obtaining an agreement with ISO for this project,
- (l) Recognizes the excellent progress that has taken place in many Member States in upgrading radiation protection infrastructure and recognizes further the excellent role of the Agency relevant model projects in such progress.
- (m) Recognizing the findings of the international conference on Measures to Prevent, Intercept and Respond to Illicit Uses of Nuclear Materials and Radioactive Sources, Vienna, March 2003, and recognizing the findings of the international conference on National Infrastructure for Radiation Safety, Rabat, Sept. 2003, and
- (n) Stressing the importance of ensuring the confidentiality of information relevant to radioactive sources security that might be of interest to terrorists,

11. Commends the Director General and the Secretariat for their prompt and constructive response to General Conference resolutions relevant to the improvement of the security and safety of radioactive materials, in particular, commends both the Action Plan for the Safety and Security of Radioactive Sources contained in document GOV/2003/47, and the Code of Conduct on the Safety and Security of Radioactive Source contained in document GOV/2003/49;
12. Calls upon all Member States to continue to provide political, financial and technical support, including in-kind contributions, to improve radioactive sources security and safety and prevent radiological terrorism, and to insure the safety of people and the environment;

13. Welcomes the Agency's programmes and continued efforts to assist States in establishing and strengthening systems of radiation protection appropriate to their circumstances, which include national registries of radioactive sources, and in particular commends the Secretariat for the action it has taken in a number of countries, in co-operation with Member States, to locate, source and remove orphan sources;

14. Urges the Agency to continue and strengthen its work that has taken place in upgrading Radiation Protection Infrastructure in Member States through the relevant Model Projects and also urges the Agency to move forwards with its project to develop a universal system of labeling of high risk radioactive sources;

15. Urges Member States to strengthen their national efforts to secure all radioactive sources within their borders, and invites Member States to recognize the Code of Conduct on the Safety and Security of Radioactive Sources and to consider means of ensuring its wide application;

16. Also welcomes the activities undertaken to provide for an exchange of information with Member States;

17. Invites the Director General to continue to implement, in consultation and co-ordination with Member States, and subject to the availability of resources, Agency activities relevant to sources security and safety and protection against radiological terrorism; and

18. Requests the Director General to submit a report to the General Conference at its forty-eighth session on activities regarding these issues undertaken by the Agency, and to include an item titled the Safety and Security of Radioactive Materials in the provisional agenda.

(End texts)

16. (sbu) Text of NATEC's draft memorandum of understanding between the Republic of Yemen and the U.S. Department of Energy:

(Begin text)

Memorandum of Understanding Between the National Atomic Energy Commission of the Republic of Yemen and the United States of America Department of Energy on Bilateral Cooperation on Science and Technology, Radiation Protection and Peaceful applications of Nuclear Technology

The National Atomic Energy Commission of the Republic of Yemen (hereinafter referred to as "NATEC") and the United States Department of Energy (hereinafter referred to as "DOE") agreed to sign this MEMORANDUM OF UNDERSTANDING to jointly work and collaborate for science-led sustainable development through optimal use of Science and Technology in general and peaceful applications of nuclear technology and radiation protection in particular, the states as under:

1 - NATEC and DOE agree to cooperate for promotion of Science and Technology in various areas of mutual interest and in particular cooperate in the following fields:

- a. Radiation Protection
- b. Radioactive Sources Safety and Security
- c. Peaceful applications of nuclear energy

2 - DOE will help NATEC in strengthening its control of border points and entry ports through Radiation Monitoring to prevent any illicit trafficking of nuclear or radioactive materials.

3 - DOE will help in setting a training center, at NATEC, that will be able to carry out professional training courses that require accreditation of international organs, in the area of peaceful applications of nuclear technology and radiation protection.

4 - DOE will help in seeking admission for Yemeni students in US Institutions and Universities offering training in the field of peaceful nuclear technology.

5 - DOE agrees to provide technical know how in setting a Non Destructive Testing (NDT) center at NATEC.

6 - DOE agrees to provide technical know how in setting a Secondary Standard Dosemetry Laboratory (SSDL) at NATEC.

7 - NATEC and DOE shall give priorities to each other requests for experts and shall fasten arrangements for such missions to take place.

Signed in duplicate at DOE on (blank) 2003 with each side keeping on a copy.

For NATEC

For DOE

(End text)

